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COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID LEROY HUMPHREY,

Defendant and Appellant.

C074887

(Super. Ct. No. 13451)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

On July 29, 2013, an officer attempted to stop defendant David Leroy Humphrey for failing to stop his bicycle at a stop sign. Defendant ignored the officer's order to stop and fled. The officer observed defendant trying to remove something from his pant's pocket. The officer again ordered defendant to stop. Defendant tried to run away and, when defendant reached for something in his pocket, the officer used his Taser, hitting

defendant and causing defendant to fall to the ground. Defendant apologized for fleeing, explaining that he had a bag of methamphetamine and a syringe in his pocket. A search incident to defendant's arrest revealed 7.2 grams of methamphetamine, a hypodermic syringe, a digital scale, and numerous plastic baggies. Defendant claimed he was transporting the methamphetamine for someone else and that he would be paid a total of \$200 by the buyer and seller.

Defendant entered a plea of no contest to possession of methamphetamine for sale (Health & Saf. Code, § 11378) in exchange for dismissal of the remaining counts.

The court sentenced defendant to the upper term of three years to be served in county jail (Pen. Code, § 1170, subd. (h)(5)(A)) concurrent with a term he was serving in case No. CRF1150.

Defendant appeals. He did not obtain a certificate of probable cause. (Pen. Code, § 1237.5.)

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

HULL, Acting P. J.

We concur:

MURRAY, J.

HOCH, J.